

Remarks

Applicants would like to thank Examiner Slobodyansky for the courtesy of speaking with Applicants' representative in the interview on October 31, 2006.

Applicants have received the Interview Summary Record, mailed November 6, 2006 and confirm that it generally reflects Applicants' understanding of the interview.

Claims 36, 39, 46-49, 61, 63, 65, and 71-80 are currently pending. Claims 36, 65, and 71-77 have been amended. Support for the claim amendments may be found throughout the specification, including the claims as originally filed. In particular, support for "at least 95% identical," "at least 98% identical," or "at least 99% identical" in claims 36, 71-72, and 74-75 may be found, e.g., at page 20, lines 25-27. Support for "an F-box . . . that is encoded by . . . SEQ ID NO: 48" in claim 36 may be found, e.g., at page 30, lines 9-11. Support for a wash step with "0.2 X SSC" in claim 65 may be found, e.g., at page 29, lines 15-17. No new matter has been added.

Amendments of claims should in no way be construed as an acquiescence to any of the Examiner's rejections. The amendments to the claims are being made solely to expedite prosecution of the present application and do not, and are not intended to, narrow the claims in any way. Applicants reserve the option to further prosecute the same or similar claims in the instant or in a subsequent patent application.

Submitted herewith is a substitute Sequence Listing that includes correction to sequences SEQ ID NOs: 48 and 49. In the substitute Sequence Listing, SEQ ID NO: 49 corresponds to amino acids 148-192 of SEQ ID NO: 4. Support for this amino acid sequence is provided, e.g., at page 30, line 10, of the specification. In the substitute Sequence Listing, SEQ ID NO: 48 consists of the nucleotide sequence of SEQ ID NO: 3 that encodes SEQ ID NO: 49, i.e., nucleotides 511-645 of SEQ ID NO: 3. Support for this sequence can be found, e.g., in SEQ ID NO: 3. No new matter has been added.

Objections to the specification

The specification has been objected to since SEQ ID NOs: 48 and 49 recite the sequences of SEQ ID NOs: 3 and 4, respectively. Applicants submit herewith a substitute sequence listing, in which SEQ ID NO: 49 corresponds to amino acids 148-192 of SEQ ID NO: 4, and SEQ ID NO: 48 consists of the nucleotide sequence of SEQ ID NO: 3 that encodes SEQ ID NO: 49, i.e.,

nucleotides 511-645 of SEQ ID NO: 3. Reconsideration and withdrawal of this objection is respectfully requested.

Claim rejections under 35 U.S.C. § 112

Claims 36, 39, 46, 48-49, 61, 63, 65, 71, 72, 74, and 77-80 stand rejected under 35 U.S.C. § 112, first paragraph for lack of written description. The Examiner alleges that the Amendment filed on 1/30/06 contains new matter. More specifically, the Examiner states:

[T]he Examiner is unable to locate adequate support in the specification for at least 95% identity to the amino acid sequence of SEQ ID NO: 49 . . . or to a fragment of any specific amino acid sequence (See page 4, first full paragraph of the Office Action.)

Applicants have amended claim 36 to recite that the polypeptide comprises an F-box that is encoded by a nucleotide sequence that is at least 95% identical to SEQ ID NO: 48. As stated above, a substitute sequence listing is submitted herewith in which SEQ ID NO: 48 consists of the nucleotide sequence of SEQ ID NO: 3 that encodes SEQ ID NO: 49, i.e., nucleotides 511-645 of SEQ ID NO: 3. Applicants believe the amendment obviates the rejection.

The Examiner further alleges that claims 65, 77, 79, and 80 encompass proteins of diverse function characterized by structure only. (See paragraph bridging pages 4 and 5 of the Office Action.) More specifically, the Examiner states, “[a] substantial portion of the genus of nucleotide sequences would not encode an F-box.” (See paragraph bridging pages 4-5 of the Office Action.) Applicants have amended claim 65 to recite that the hybrid polypeptide comprises an F-box and that the F-box recruits the hybrid polypeptide to an SCF ubiquitin ligase complex. Applicants believe the amendment obviates the rejection of the claim.

Claims 36, 39, 46, 48-49, 61, 63, 65, and 71-80 stand rejected under 35 U.S.C. § 112, second paragraph for indefiniteness. The Examiner alleges:

It is not defined in the specification as to how “about” affects the metes and bounds of the claims. . . Amending the claims to recite “at least 95%, 98%, 99% would obviate this part of the rejection.” (See page 5 of the Office Action, last paragraph.)

To expedite prosecution, Applicants have amended claims 36, 71-72, and 74-75 to comply with the Examiner’s suggestion. Applicants believe the amendment obviates the rejection of these claims.

The Examiner further alleges that there exists no antecedent basis for “the peptide” as recited in claim 65. (See page 6 of the Office Action, first paragraph.) To expedite prosecution, Applicants have amended the term “peptide” in claim 65 to “F-box.” Applicants believe the amendment obviates the rejection of the claim.

The Examiner further alleges that temperature is insufficient to define the metes and bounds of claims 65, 77, 79, and 80. Applicants have amended claims 65 and 77 to recite that the stringent hybridization conditions include a wash step with 0.2 X SSC at 65 °C. Applicants believe the amendment obviates the rejection of the claim.

The Examiner indicates that claims 71-73 recite “a nucleotide sequence . . . identical to SEQ ID NO: 49” and that SEQ ID NO: 49 is an amino acid sequence. (See page 6 of the Office Action, third paragraph.) To expedite prosecution, Applicants have amended claims 71-73 to recite that the amino acid sequence is encoded by the nucleotide sequence of SEQ ID NO: 48. Applicants believe the amendment obviates the rejection of these claims.

The Examiner alleges that the wording of claims 73 and 76 are confusing. Applicants have amended claims 73 and 76 to comply with the Examiner’s suggestion that they recite, “wherein the amino acid sequence is encoded by the nucleotide sequence of. . .” Applicants believe the amendment obviates the rejection of these claims.

Conclusion

In view of the above remarks and the amendments to the claims, it is believed that this application is in condition for allowance. If a telephone conversation with Applicants' Agent would expedite prosecution of the above-identified application, the Examiner is urged to call the undersigned at (617) 832-1000.

If any additional fees are due, the Commissioner is hereby authorized to charge any deficiencies to Deposit Account Number **06-1448, Reference HMV-043.01**.

Respectfully submitted,

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